

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

September 2, 2003
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBleck, Denis Anderson, Nancy Houlahan, Jim Dokken, and David Chapin; Present 8, Absent 1 – Rick Fagerlie was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Proposed additions to the agenda included representatives from the Kandiyohi County Humane Society.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: Council Minutes of August 18, Special Council Minutes of August 27, Planning Commission Minutes of August 27, Pioneerland Library Board Minutes of June 19, Kandiyohi Area Transit Minutes of June 24, July 15 and August 19, and Zoning Appeals Board Minutes of August 25, 2003. Council Member Christianson seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Planning and Development Services Director Peterson informed the Mayor and Council the Planning Commission has considered a request to amend the Zoning Ordinance by including athletic/recreation facilities as a conditional use in the Limited Business District. Dwight Kotela presented details of the proposed multi-sport facility. Upon hearing all who wished to be heard, Mayor Heitke closed the hearing at 7:06 p.m.

Following discussion, Council Member DeBleck offered a motion to adopt, assign a number and order final publication of an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:20 p.m. Mayor Heitke opened a hearing to consider special assessments for unpaid weed/grass mowing. City Clerk Halliday explained to the Mayor and Council Willmar Municipal Code, Chapter 9, Article III concerning the cutting of weeds and grass. In cases of noncompliance such work is performed by the City or its agent can be certified as a special assessment against the property owner. Mr. Halliday noted that proper notice had been given to the property owners. There being no one present to speak for or against the proposed assessments, Mayor Heitke closed the meeting at 7:22 p.m.

Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS, Section 9.41 of the Willmar City Code states that such unpaid weed or grass

mowing bills represent a lien of the real property receiving mowing services; and

WHEREAS, THE City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed/grass mowing charges totaling \$1005.00 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2004 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid weed or grass charges be certified against the real property as follows:

1. Parcel No. 95-220-1910 \$160.00
Located at 402 Ann Street SE; and
Described as Ferring's Addition, Block 013, E 100ft of Lots 1 & 2
2. Parcel No. 95-184-1210 \$80.00
Located at 1404 Trott Avenue SE; and
Described as Erickson's Third Addition, Block 008, E ½ of Lots 11 & 12
3. Parcel No. 95-410-0310 \$80.00
Located at 701 2nd Street SE; and
Described as Johnson's Subd. Block 002, Lot 1
4. Parcel No. 95-820-0840 \$85.00
Located at 917 Olaf Avenue NW; and
Described as Thorpe & Lien's Addition, Block 005, Lots 4 & 5 of Lots 1 & 2
5. Parcel No. 95-915-2680 \$160.00
Located at 1102 5th Street SW; and
Described as Part SE ¼ of SE ¼, Com at NE Cor of Lt. 18, Blk. P Booth's Add. Th. E. to 5th St. Th. S. 50' Th. W. to SE. Cor. of Lot 18 Th. N. Along E. Line of Lot 18 to Beg.
6. Parcel No. 95-835-1020 \$95.00
Located at 308 Vos Park Drive NW
Described as Vos Park Addition, Block 001, Lot 12
7. Parcel No. 95-390-0040 \$90.00
Located at 1412 13th Avenue NE
Described as Iverson Park, Block 001, Lot 4
8. Parcel No. 95-042-0470 \$95.00
Located at 701 17th Street SW
Described as Barnstad's Second Addition, Block 001, W 167.5', of Lot 22 Exc S 16'
9. Parcel No. 95-280-0090 \$80.00
Located at 825 5th Street SW
Described as Hanson's Addition to Willmar, Block 001, Lot 8 Exc E 55ft S ½ of Lot 9 Exc E 55ft

10. Parcel No. 95-320-0060 \$80.00
Located at 423 Highland Road SW
Described as Highland Place in the City of Willmar, Block 001, Lot 6

Dated this 2nd day of September, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke recognized Jennifer Dunn and Sarah Kleppe representing the Coalition of Greater Minnesota Cities. Ms. Dunn and Kleppe presented information regarding the lobbying efforts of the Coalition in the areas of economic development, annexation, local government aids, transportation, and environmental issues. Mayor Heitke thanked Ms. Dunn and Kleppe for their presentation.

Mayor Heitke recognized individuals representing the Kandiyohi County Humane Society who had signed up to address the City Council during its scheduled Open Forum. Sally Hammond, Bobbi Bauman and Carol Knowlton informed the Mayor and Council that the Humane Society had lost the building to house animals and are in need of another facility. Staff was directed to put the matter on the next Public Works/Safety Committee agenda.

The Labor Relations Committee Report for August 27, 2003, was presented to the Mayor and Council by Council Member Houlahan. There was one item for Council consideration.

Item No. 1 The Committee moved to close the meeting to discuss contract negotiations and strategies. During the closed session the Committee Members met with Hospital representatives to review strategies for upcoming contract discussions with the Rice Hospital C.E.O. The meeting was then reopened.

The Labor Relations Committee Report for August 27, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Houlahan, seconded by Council Member Christianson, and carried.

The Community Development Committee Report for August 29, 2003, was presented to the Mayor and Council by Council Member DeBlieck. There were five items for Council consideration.

Item No. 1 The Committee reviewed a request by Barlow Projects Inc. to proceed with an air permit application using the City Waste Treatment Plant site in Section 23 of St. John's Township as the legal address on the permit. It was noted that by allowing them to proceed in this manner it did not obligate the City to any land sale or gift to Barlow Projects, nor did it obligate the City to participate financially or technically in the project. It was simply a request that would allow Barlow Projects to initiate the air permit application process.

The waste-to-energy facility proposed by Barlow Projects Inc. for the Willmar area was discussed at length. It was noted that three facilities smaller than the proposed Fibrominn project are being pursued by Barlow Projects Inc. as they believe that the smaller plants can be

constructed and operated more efficiently and more effectively.

The Committee was recommending to the Council that Barlow Projects Inc. be authorized to submit an air permit application identifying the Waste Treatment Plant site in Section 23 of St. John's Township, contingent upon community support for the final project and contingent upon FAA air space review and a finding of no negative impact on navigation.

Wilt Croonquist appeared before the Mayor and Council to offer further details to the proposal and answered several questions by the Council.

Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried. Council Member Anderson abstained from voting.

Item No. 2 The Committee discussed the possible development of multi-modal transportation facilities west of town, due to changes in the highway, railroad and aviation systems. This issue became public several weeks ago when a representative of Burlington Northern Santa Fe Railroad was in town to discuss plans to construct a northwest to southwest rail loop on the west side of Willmar. This would be done to allow the longer trains the ability to go from the BN mainline to the Sioux City line with out having to come all the way into the City and then back out. Also discussed at that meeting was the possible relocation of all or a portion of the switching yards from the current location. Staff will present more information as it become available. This matter was for information only.

Item No. 3 The Committee reviewed information from six other regional centers regarding spacing of residential group homes or licensed residential facilities. The six communities contacted were Alexandria, Albert Lea, Austin, Fergus Falls, Owatonna, and Hutchinson. Four of the six communities have no spacing requirements; and the two communities that do, question their legal authority to regulate spacing. It was noted that State Statute regulates licensed residential facilities from a zoning perspective. It was a consensus of the Committee that they would like to use whatever authority might be available to them to regulate spacing of licensed residential facilities.

The Committee was recommending to the Council that the City Attorney submit an opinion regarding local authority to regulate spacing of licensed residential facilities. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee, with Council Member Dokken seconding the motion, which carried.

Item No. 4 The Committee received an update on commercial, industrial, residential and institutional projects currently underway in the community. It was noted that overall construction is occurring at a greater pace than last year, which was a record setting year. The Committee was reminded that a significant portion of last year's construction was the hospital project. This matter was for information only.

Item No. 5 The Committee reviewed sign permit fees and the various guidelines regarding setback height and sign size. This matter was for information only.

The Community Development Committee Report for August 29, 2003, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration a Final Plat for the Menard's Addition, a three-lot plat with outlots for access. It is the future site of the Schwanke Tractor business and Menard's store. The Planning Commission has approved the Plat. Council Member Christianson moved to approve the Final Plat for the Menard's Addition with Council Member Anderson seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration an Ordinance to amend the Zoning Ordinance text. The Planning Commission has considered and approved an amendment that would allow "lumber yards (including miscellaneous building materials) as a Permitted Use with Plan Review in the I-2 General Industry District. Council Member Reese offered a motion to introduce an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance and schedule a hearing for September 15, 2003. Council Member Houlahan seconded the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council the Planning Commission's Capital Improvements Program for Years 2003 through 2008. Following a review of the Report, the Capital Improvement Report was received for information.

Announcements for Council Committee meeting dates were as follows: Cable Advisory, September 4; Finance, September 8; Public Works/Safety, September 9; and Community Development, September 11, 2003.

There being no further business to come before the Council, the meeting adjourned at 8:44 p.m. upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL